DETAILED ACTION

Response to Amendments
Claims 1-65 and 72-79 have been canceled.
Claims 92-113 have been newly added.

Per Examiner's Amendments
Claims 68, 83, 88, 96 and 107 have been canceled.
Claims 66, 70, 71, 92 and 103 have been amended.

Claims 66, 67, 69-71, 80-82, 84-87, 89-95, 97-106 and 108-113 are pending examination.

Response to Arguments

I.   Applicant's arguments filed 9/10/2009 with respect to claims 50, 58, 66, 70 and 71 have

been fully considered and are persuasive. The rejections of the pending claims have therefore

been withdrawn.

Examiner's Amendment

II.   An Examiner's amendment to the record appears below. Should the changes and/or

additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the

payment of the issue fee.

III.   Authorization for this Examiner's amendment was given in a telephone interview with

Atty. Jeremy Monaldo on January 27, 2010. Please make the following changes:

Claim 66. (Amended) A method of monitoring access requests to access providers comprising:

observing, using an intermediary device other than an access providing host that assigns resources

responsive to inbound access requests, information identifying a requestor based on receipt of the

requestor's submission of an access request to a first access providing host;

accessing, using the intermediary device, stored information identifying previous requestors, of the first access providing host as well as of other access providing hosts, that are determined to have submitted a previous access request that has timed out prior to submission of an acknowledgement corresponding to the previous access request;

comparing, using the intermediary device, the observed information identifying the requestor to the stored information identifying previous requestors; and

when the comparison reveals that the requestor has submitted a previous access request that has timed out prior to submission of an acknowledgement corresponding to the previous access request, denying, using the intermediary device, the access request submitted by the requestor while denying passage of the access request to the first access providing host,

wherein the intermediary device is a switch capable of performing load balancing for the first access providing host as well as the other access providing hosts.

Claim 70. (Amended)   A networking device, other than an access providing host that assigns resources responsive to inbound access requests, comprising:

a processor; and

a memory encoded with machine readable instructions that, when executed by the processor, operate to cause the processor to perform operations comprising:

observing information identifying a requestor based on receipt of the requestor's submission of an access request to a first access providing host;

accessing stored information identifying previous requestors, of the first access providing host as well as of other access providing hosts, that are determined to have submitted a previous access request that has timed out prior to submission of an acknowledgement corresponding to the previous access request;

comparing the observed information identifying the requestor to the stored information identifying previous requestors; and

when the comparison reveals that the requestor has submitted a previous access request that has timed out prior to submission of an acknowledgement corresponding to the previous access request, denying the access request submitted by the requestor while denying passage of the access request to the first access providing host,

wherein the networking device is a switch capable of performing load balancing for the first access providing host as well as the other access providing hosts.

Claim 71. (Amended) A storage medium encoded with instructions that, when executed by a processing device, operate to cause the processing device to perform operations comprising:

observing, using an intermediary device other than an access providing host that assigns resources responsive to inbound access requests, information identifying a requestor based on receipt of the requestor's submission of an access request to a first access providing host;

accessing, using the intermediary device, stored information identifying previous requestors, of the first access providing host as well as of other access providing hosts, that are determined to have submitted a previous access request that has timed out prior to submission of an acknowledgement corresponding to the previous access request;

comparing, using the intermediary device, the observed information identifying the requestor to the stored information identifying previous requestors; and

when the comparison reveals that the requestor has submitted a previous access request that has timed out prior to submission of an acknowledgement corresponding to the previous access request, denying, using the intermediary device, the access request submitted by the requestor while denying passage of the access request to the first access providing host,

wherein the intermediary device is a switch capable of performing load balancing for the first access providing host as well as the other access providing hosts.

Claim 92. (Amended) A method of handling connection transactions, the method comprising:

receiving, at an intermediary device, a connection transaction request from a requestor device that requests access to an access providing host;

using information identifying requestor devices, of other access providing hosts, that previously submitted a partially-completed connection transaction request to determine whether to block the connection transaction request to the access providing host; and

blocking, at the intermediary device, the connection transaction request in response to a determination to block the connection transaction request,

wherein the intermediary device is a switch capable of performing load balancing for the access providing host as well as the other access providing hosts.

Claim 103. (Amended) A networking device comprising:

a processor; and

a memory encoded with machine readable instructions that, when executed by the processor, operate to cause the processor to perform operations comprising:

receiving a connection transaction request from a requestor device that requests access to an access providing host;

using information identifying requestor devices, of other access providing hosts, that previously submitted a partially-completed connection transaction request to determine whether to block the connection transaction request to the access providing host; and

blocking the connection transaction request in response to a determination to block the connection transaction request,

wherein the networking device is a switch capable of performing load balancing for the access providing host as well as the other access providing hosts.

Claim 68. (Canceled)

Claim 83. (Canceled)

Claim 88. (Canceled)

Claim 96. (Canceled)

Claim 107. (Canceled)

Reasons for Allowance
The following is an Examiner's statement of reasons for allowance

IV.   The prior art or record fails to teach neither singly nor in combination, the claimed limitations of "receiving a connection transaction request from a requestor device that requests access to an access providing host; using information identifying requestor devices, of other access providing hosts, that previously submitted a partially-completed connection transaction request to determine whether to block the connection transaction request to the access providing

host; and blocking the connection transaction request in response to a determination to block the connection transaction request, wherein the networking device is a switch capable of performing load balancing for the access providing host as well as the other access providing hosts" as stated in independent Claims 66, 70, 71, 92 and 103 (see Applicant's Specification, pages 5-13).

Specifically, the prior art fails to teach using information identifying requestor devices, of other access providing hosts, that previously submitted a partially-completed connection transaction request to determine whether to block the connection transaction request to the access providing host and performing load balancing for the access providing host as well as the other access providing hosts. The prior art of record teaches using information identifying requestor device of a first access providing hosts, but fails to teach using information of partially-completed connection transactions from other access providing hosts as well, in addition to load balancing across the first access providing host as well as the other access providing hosts. The prior art fails to suggest accessing information identifying requestors and previous requestors, of a first access providing host as well as of other access providing hosts, in determining whether to block a connection transaction request.

These limitations, in conjunction with other limitations in the independent and dependent claims, are not specifically disclosed or remotely suggested in the prior art of record. A review of Claims 66, 67, 69-71, 80-82, 84-87, 89-95, 97-106 and 108-113 in view of the Examiner's remarks above, indicates that Claims 66, 67, 69-71, 80-82, 84-87, 89-95, 97-106 and 108-113 are allowable over the prior art of record.

     Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Conclusion

V.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTIE D. SHINGLES whose telephone number is (571)272-3888. The examiner can normally be reached on Monday 9:00am-6:30pm.

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

     Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kristie D. Shingles   /Paul H Kang/
Examiner, Art Unit 2444   Primary Examiner, Art Unit 2444

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